
DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service
50 CFR Part 17
Endangered and Threatened Wildlife and Plants; Proposal to List the Amber Darter (*Percina antesella*), Trispot Darter (*Etheostoma trisella*), and the Conasauga Logperch (*Percina* sp.) as Endangered and Designate Their Critical Habitats

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service proposes to list the amber darter (*Percina antesella*), trispot darter (*Etheostoma trisella*), and the Conasauga logperch (*Percina* sp.) as endangered species and designate their critical habitats under the Endangered Species Act of 1973, as amended. These fishes are currently known only from the upper Conasauga River basin in Georgia and Tennessee. The continued existence of these fishes could be threatened if a flood control and water development project now being considered for the Conasauga River is implemented without adequately considering the requirements of these species. Due to the limited distribution of the three fishes, any factor that degrades habitat and water quality in the short river reaches they inhabit, i.e., land use changes, chemical spills, and increases in agricultural and urban runoff, could threaten the survival of these species. Comments and information pertaining to this proposal are sought from the public.

DATES: Comments from all interested parties must be received by September 11, 1984. Public hearing requests must be received by August 27, 1984.

ADDRESSES: Comments and materials concerning this proposal should be sent

to Field Supervisor, Endangered Species Field Station, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

Richard G. Biggins, Endangered Species Field Station, 100 Otis Street, Room 224, Asheville, North Carolina 28801 (704/259-0321 or FTS 8672-0321).

SUPPLEMENTARY INFORMATION:

Background

A study of the amber darter (*Percina antesella*), trispot darter (*Etheostoma trisella*), and Conasauga logperch (*Percina* sp.), funded by the Service, was completed in October 1983 (Freeman, 1983). That survey involved extensive sampling and a review of historical fish collection records for the upper Coosa River basin. The study concluded that these three fish species (except for a possible small population of the amber darter in the Etowah River in Cherokee County, Georgia) are restricted to the upper Conasauga River basin (a tributary of the Coosa River) in Georgia and Tennessee.

The amber darter, described by Williams and Etnier (1977), is presently known from approximately 33.5 miles of the Conasauga River (between the Tennessee Highway 74 crossing and the U.S. 411 bridge in Polk County, Tennessee, downstream to the Tibbs Bridge crossing, Murray County Road 109 (Tibbs Bridge Road), Murray County, Georgia) in Polk and Bradley Counties, Tennessee, and Murray and Whitfield Counties, Georgia (Freeman, 1983). One amber darter was taken in 1980 from a site on the Etowah River in Cherokee County, Georgia (Etnier *et al.*, 1981). Freeman (1983) surveyed that site and other sites on the Etowah River in 1982 and 1983, but he was unable to recollect the species. If a population of the amber darter does exist in the Etowah River, it is believed to be very small. The amber darter was once known to exist in Shoal Creek, a tributary to the Etowah River in Cherokee County, Georgia. Shoal Creek was surveyed by Freeman (1983) on several occasions, but no amber darters were found. It is believed this population was destroyed in the 1950's when Allatoona Reservoir inundated the lower portion of Shoal Creek.

The amber darter is a short, slender-bodied fish generally less than 2½ inches in length. The fish's upper body is golden brown with dark saddle-like markings, and its belly is yellow-to-

cream color. The throats of breeding males are blue in color. The species was observed by Freeman (1983) to inhabit gentle riffle areas over sand and gravel substrate. He also noted that as the summer season progressed and aquatic vegetation developed in the riffles, the amber darter used this vegetated habitat for feeding (primarily on snails and insects) and for cover. The species has not been observed in slack current areas over silty substrate with detritus or mud bottoms. The fishes' habitat preference for gentle riffles may explain why the species has not been found above the U.S. Highway 411 bridge, Polk County, Tennessee, where the Conasauga River's gradient increases. The extent of the species' downstream range is likely associated with the increase in silt.

The trispot darter, described by Bailey and Richards (1963), is presently known from two populations (Freeman, 1983). The largest population inhabits the Conasauga River from Tennessee Highway bridge 74 crossing, Polk County, Tennessee, downstream for approximately 38 miles through Bradley County, Tennessee, and Whitfield County, Georgia, to Brown Bridge on Murray County Road 297 (Brown Bridge Road), Murray County, Georgia. The second population was found in about 8.5 miles of Coahulla Creek (a tributary of the Conasauga River entering the Conasauga in Whitfield County, Georgia) from the confluence of Tate Branch with Coahulla Creek (Bradley County, Tennessee) downstream to about ¼ mile above the confluence of Barrett Lake Creek with Coahulla Creek (Whitfield County, Georgia).

The trispot darter was first discovered (one individual taken) in 1947 from Cowans Creek in Cherokee County, Alabama, a tributary of Spring Creek which flows into the Coosa River. The species was next collected in 1953 (again only one individual taken) from the main stem of the Coosa River in Etowah County, Alabama. Both the Cowans Creek and the Coosa River sites are now flooded by reservoirs. Freeman (1983) surveyed and reported on historical collections made from the Cowans Creek area and other tributaries of the Coosa River in Alabama. He did not find the fish and was not able to uncover any additional collection records. This species has not been collected in Alabama since the impoundments on the Coosa River were completed.

Two other collection records exist for the trispot darter. A single individual was taken in 1979 from Sugar Creek near the town of Union in Bradley County, Tennessee (Etnier, 1970). Sugar

Creek is a small tributary of the Conasauga River, and if a population exists here, it is likely very small. Howell and Caldwell (1967) discovered a trispot darter in a collection of speckled darters (*Etheostoma stigmaeum*) collected from Swamp Creek (a tributary of the Conasauga River, Whitfield County, Georgia) by E. A. Lachner and F. J. Schwartz in 1954. Another specimen was also taken from Swamp Creek in 1967. However, collection efforts by Etnier *et al.* (1981) and Freeman (1983) have failed to recollect the species from Swamp Creek. This population may no longer exist.

The trispot darter is a small, rather elongated and slightly compressed fish measuring generally less than two inches long. It is brownish in color and has three distinctive dark brown saddle-like markings across its back. The sides of breeding males have four green blotches along the mid-line, and their lower sides are flushed with orange. This darter, which feeds primarily on aquatic insect larvae, has been observed to inhabit slack water areas over detritus, sand, and silt substrates and sometimes over submerged vegetation in areas with a slight current. The trispot is a late winter and early spring spawner (Ryon, 1981) and ascends small streams where it spawns on both dead and living plant material. Numerous Conasauga River tributary streams have been visited in late winter and early spring; however, only two spawning sites are presently known.

The Conasauga logperch, formerly referred to by the Service as the reticulate logperch, is an undescribed species of the genus *Percina*. A formal scientific description of the fish is presently under preparation by Dr. Bruce Thompson under contract to the Service. This species is apparently restricted to about 11 miles of the upper Conasauga River in Tennessee and Georgia. Specifically, it has been observed in the Conasauga River reach from approximately ¼ mile above the junction of Minnewauga Creek, Polk County, Tennessee, downstream through Bradley County, Tennessee, to the Georgia State Highway 2 Bridge, Murray County, Georgia. Freeman (1983), in his fish survey and review of historical collections, reported that the fish was not found outside this short river reach.

The Conasauga logperch is a large fish sometimes exceeding 6 inches in length and is characterized by having many "tiger-like" vertical dark stripes over a yellow background (Starnes and Etnier, 1980). The fish spawns in the spring in the fast riffles over gravel substrate. It has been observed to feed on aquatic

invertebrates by flipping over stones with its "pig-like" snout.

The Tennessee Wildlife Resources Agency and the Tennessee Heritage Program of the Tennessee Department of Conservation list all three darters as threatened (Starnes and Etnier, 1980). In a publication edited by both agencies, *Tennessee Rare Wildlife Volume I: The Vertebrates*, they stated, relative to the amber darter's habitat, that "The combination of gently flowing runs and silt-free substrate is rare in these times of widespread siltation due to poor watershed management of impoundments. The Conasauga River in Tennessee remains clear in all but the heaviest floods, indicating its uniqueness and importance in preserving the amber darter * * *." J. S. Ramsey in a 1973 report on extinct and rare freshwater fishes in Georgia, classified the amber and trispot darters as "rare—1 species," which he defined, in part, as species not known to survive in reservoirs or channelized streams. Ramsey further categorized these two darters as "vulnerable," which he defined as " * * * species whose range is limited and a species that could be rendered extinct by a single land use change."

The amber darter, trispot darter, and Conasauga logperch apparently require unpolluted, clean water streams. The amber darter utilizes areas with moderate current over gravel and silt-free sand substrate (Williams and Etnier, 1977). The trispot inhabits sluggish current habitat along the stream margin over detritus substrate (Ryon, 1981). The Conasauga logperch occurs in flowing pool areas and riffles over clean substrate of rubble, sand, and gravel (Starnes and Etnier, 1980). Siltation, which often results when lands are cleared for agriculture or other land uses, is a major threat to the quality of stream habitats. Siltation changes the character of streams so that gravel riffle areas become infiltrated with silt and the detritus substrates are smothered with fine silt particles.

The upper Conasauga River flows through National Forest lands. This provides some protection for the downstream habitat sections where the fish are found. However, the fish are threatened from agricultural and urban runoff from the developed sections of the watershed. There is also the potential threat that a toxic chemical spill could eliminate a major portion of any of these fishes' populations. Another threat could come from the water supply and flood control project being studied for the Conasauga River near Dalton, Georgia. This project,

depending on type and extent, could severely impact the species if the biological requirements of these fishes are not considered in the project's development, construction, and operation.

The trispot darter was one of 29 fish species included in a March 18, 1975, notice of review published by the Service in the *Federal Register* (40 FR 12297). On December 30, 1982, the Service announced in the *Federal Register* (47 FR 58454) that the trispot darter and the amber darter, along with 146 other fish species, were being considered for possible addition to the Endangered Species List. On November 4, 1983, the Service published a notice in the *Federal Register* (48 FR 50909) that a status review was being conducted specifically for the amber darter, trispot darter, and Conasauga logperch (referred to as the reticulate logperch in the November 4, 1983, *Federal Register* publication) to determine if these fish species and any habitat critical to their continued existence should be protected under the Endangered Species Act of 1973, as amended. The November 4, 1983, notice solicited data on the status and location of the species and their habitat, likely impacts which could result if the species and their critical habitat were listed, current and planned activities which may adversely affect the species or their habitat, and possible impacts to Federal activities if critical habitat is designated. The following is a summary of each of the responses received.

Tennessee Wildlife Resources Agency responded that they concurred with the protection of the species under the Endangered Species Act and were aware of no Federal actions that would jeopardize the continued existence of the species. They also commented that the upper Conasauga River's watershed, primarily within the Cherokee National Forest, is one of the better protected areas in Tennessee.

Georgia Department of Natural Resources stated they had no evidence to contradict the assertions made in the Service's November 4, 1983, notice of review. They agreed that if the species were as restricted in geographic range and population size as stated in the notice of review and as reported by Freeman (1983), they would not object to the protection of these species under the Endangered Species Act.

Department of the Army, Office of Chief Engineer, Washington, D.C., informed the Service that two of their projects, the Dalton Lake project being planned for the Conasauga River in Murray and Whitfield Counties, Georgia, and the Jacks River project on

the upper Conasauga River in Polk County, Tennessee, could be impacted by listing these species. They stated the Jacks River project, although authorized for study by Congress in 1945, had never been funded for further planning. They further commented that: (1) The Dalton Lake project was authorized for planning; (2) Dalton Lake, as presently being planned, would inundate much of the remaining known range of the three fishes; and (3) the remaining habitat in the upper Conasauga may not be sufficient to support viable populations of these fishes. They concluded "The presence of the three species of fish in the study area will be considered in the environmental planning * * *."

U.S. Department of Agriculture, Forest Service, provided information on Forest Service fish collections (no records of these three darters) within the Cohutta Wilderness. They were unaware of any direct proposed or existing impacts to the species or their habitat nor did they expect any perturbations from the National Forest administered watershed.

U.S. Department of Agriculture, Soil Conservation Service, responded "Designating the mentioned area of the Conasauga River as critical habitat would not impact programs of the Soil Conservation Service."

A professor with the Alabama Cooperative Fishery Research Unit, Auburn University, reported that of the 394 fish collection samples cataloged at Auburn University from the Coosa River basin, only 4 included collections of the trispot darter, 2 included the amber darter, while the Conasauga logperch was not represented in the collection. Of the 6 records, 5 were from the upper Conasauga River, and 1 (a trispot darter collection also reported by Freeman, 1983) was from a site in the Coosa River, Alabama, now flooded by Neely Reservoir. He further commented, "Such concentration of prime habitat and vulnerability to change supports assigning at least threatened status to these three species."

Another professor of Biology at the University of Tennessee, strongly supported the protection of these species and their habitat under the Endangered Species Act. He provided information on six other species that have experienced reductions in their range but are still present in the upper Conasauga River. He stressed the importance of the Conasauga River " * * * as a reservoir for aquatic organisms that have disappeared throughout much or all of the remainder of the Mobile basin drainage * * *."

An adjunct professor at the Tennessee Technical University, supported

protecting the three species and reported on his efforts between 1968 and 1972 to collect a trispot darter from the Coosa River system in Cherokee County, Alabama, and adjacent counties in Alabama and Georgia. He reported that although numerous tributaries of the Conasauga River were sampled, he did not collect the species. He concluded, "Based on my work and that of others, I doubt if viable populations of this species exist in Alabama."

Summary of Factors Affecting the Species

Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 Amendments—see proposal at 48 FR 36062, August 8, 1983) set forth the procedures for adding species to the Federal list. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the amber darter (*Percina antesella*), trispot darter (*Etheostoma trisella*), and the Conasauga logperch (*Percina* sp.) are to follows:

A. The present or threatened destruction, modification, or curtailment of their habitat or range. All three species are presently known from restricted ranges. The amber darter is known from approximately 33.5 miles of the upper Conasauga River, and it may also exist at very low numbers in a short reach of the Etowah River. The trispot darter is apparently restricted to about 38 miles of the Conasauga River, approximately 8.5 miles of Coahulla Creek, and a small population may still exist in Sugar Creek. Both Sugar Creek and Coahulla Creek are tributaries of the Conasauga River. The Conasauga logperch is known only from about 11 miles of the upper Conasauga River. With such limited ranges, all three species could be jeopardized by a single catastrophic event, either natural or human related. Potential threats to these species and their habitat could also come from increased logging activity, road and bridge construction, stream channel modifications, impoundments, changes in land use, and other projects in the watershed if such activities are not planned and implemented with the survival of the species and the protection of their habitat in mind.

All three species are also potentially threatened by two U.S. Army Corps of Engineers projects—the Dalton Lake project and the Jacks River project. The Jacks River project was authorized for

study by Congress in the Rivers and Harbors Act of 1945, but it has not been funded for further planning. This project if constructed, would be located on the Jacks River which enters the Conasauga River upstream of the area inhabited by these fish. If this project were completed, it could, depending on the type and extent of the project, have an effect on the fish by modifying stream flows, water temperature, and silt loads, especially during the construction stage.

The Dalton Lake project is presently in the early planning stage. This project, as it is presently being studied, would involve a dam on the Conasauga River located approximately ¼ mile downstream of the junction of Mill Creek with the Conasauga River. It would flood, at maximum pool level, about 13 miles of amber darter and trispot darter habitat, including one of the two known trispot darter spawning sites. The amber darter is known to inhabit the Conasauga River for about 7 miles below the proposed dam site and the trispot for about 11 miles downstream of the site. As a reservoir would be expected to alter downstream water and habitat quality, both fish would likely be eliminated from their present downstream habitat.

The dam could also affect all three fish in the Conasauga River above the proposed reservoir. Some game fish and non-game species common to reservoirs, such as carp (*Cyprinus carpio*), generally respond to reservoir construction by dramatically increasing their population levels. These reservoir fish at times could migrate upstream into the habitat of the three darter species. An influx of reservoir fish can be expected, through competition, predation, and changes in the habitat caused by some of the fishes' feeding behavior (carp stirring up the substrate during feeding), to reduce the chances of survival for these three darters.

B. Overutilization for commercial, recreational, scientific, or educational purposes. There is no evidence that overutilization is or will be a problem for the amber darter or Conasauga logperch. However, the trispot darter is concentrated in small streams during its spawning season and only two spawning streams are known. This concentration increases the fish's vulnerability to fish collectors and to vandalism. The penalties for illegal take provided for under the Endangered Species Act would serve as a deterrent to unauthorized collectors and to those intent on knowingly vandalizing a spawning area.

C. Disease or predation. There is no evidence of threats to these three fishes from disease or predation.

D. The inadequacy of existing regulatory mechanisms. Tennessee State law (Section 51-904) and the Official Code of Georgia Annotated 27-2-12 prohibit the taking of these fish without a State collecting permit. Federal listing would provide additional protection by requiring Federal permits for taking the fish and by requiring Federal agencies to consult with the Service when projects they fund, authorize, or carry out may affect the species or their critical habitat.

E. Other natural or manmade factors affecting their continued existence. Freeman (1983) reported on the impact of a channel modification on these three darters. An island in the Conasauga River, just downstream of Murray County Road 173 bridge, Murray County, Georgia, was removed (the reason for the removal is not known) in 1982. This site had been sampled prior to the island's removal, and all three darters were observed to inhabit the area. Six to 9 months after the area was modified, the trispot darter still inhabited the area. However, the amber darter and the Conasauga logperch were not seen at the site. Similar modifications in other sections of the Conasauga River could be expected to result in elimination, at least temporarily, of the amber darter and the Conasauga logperch from a river section.

The Service has carefully assessed the best scientific information available regarding the past, present, and future threats faced by these species in determining to propose this rule. Based on this evaluation, the preferred action is to list the amber darter (*Percina antesella*), the trispot darter (*Etheostoma trisella*), and the Conasauga logperch (*Percina* sp.) as endangered species. Because of the restricted range of these species, the vulnerability of these isolated populations to a single catastrophic accident, and the threats posed by the proposed Dalton Lake project, threatened status does not appear to be appropriate for these species (see the Critical Habitat section of this proposed rule for a discussion on why critical habitat was designated for the amber darter and Conasauga logperch and partially designated for the trispot darter).

Critical Habitat

Critical habitat, as defined by Section 3 of the Act means: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require

special management considerations or protection, and (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon the determination that such areas are essential for the conservation of the species.

Section 4(a)(3) of the Act requires that critical habitat be designated to the maximum extent prudent and determinable concurrently with the determination that a species is endangered or threatened. Critical habitat is being proposed for the amber darter to include approximately 33.5 miles of the Conasauga River in Polk and Bradley Counties, Tennessee, and Murray and Whitfield Counties, Georgia (see Regulations Promulgation section of this proposed rule for a precise description of critical habitat). This stream section contains high quality water with riffle areas (free of excessive silt) composed of sand, gravel, and cobble which becomes vegetated (primarily with *Podostemum*) during the summer. The species utilizes this riffle environment for cover and foraging habitat.

Critical habitat is being proposed for the trispot darter to include approximately 38 miles of the Conasauga River in Polk and Bradley Counties, Tennessee, and Murray and Whitfield Counties, Georgia, and approximately 8.5 miles of Coahulla Creek in Bradley County, Tennessee, and Whitfield County, Georgia (see Regulations Promulgation section of this proposed rule for a precise description of critical habitat). These stream sections contain slack water and slow current areas with detritus, sand, and submerged vegetated substrates that the species uses for feeding and cover. These areas also provide high quality water with relatively low silt loads.

The trispot darter also requires small seepage streams associated with these stream sections for spawning. Two such spawning sites are known, but the Service does not propose to designate them as critical habitat. These sites are fragile and contain large concentrations of the trispot darter during the spawning season. Therefore, disclosure of their locations would not be prudent and would increase the species' vulnerability to illegal collecting and vandalism. The landowners of these two sites have been contacted and are aware of the uniqueness of this habitat. None of the landowners anticipates any change in the present management of the sites.

Critical habitat is being proposed for the Conasauga logperch to include approximately eleven miles of the

Conasauga River in Polk and Bradley Counties, Tennessee, and Murray County, Georgia (see Regulations Promulgation section of this proposed rule for precise description of critical habitat). This river section contains high quality water, pool areas with flowing water, riffles with gravel and rubble substrate for feeding, and fast riffle areas and deeper chutes with gravel and small rubble for spawning.

Section 4(b)(8) requires, for any proposed or final regulation that designates critical habitat, a brief description and evaluation of those activities (public or private) which may adversely modify such habitat or may be affected by such designation. Activities which presently occur within the proposed critical habitat include, in part, fishing, swimming, boating, scientific research, and nature study. These activities, at their present use level, do not appear to be adversely impacting the area. Other activities which do or could occur in the upper Conasauga River basin and could impact the proposed critical habitat include, in part, logging, land use changes, stream alterations, bridge and road construction, construction of impoundments, improper pesticide application, and point and non-point pollution discharges.

There are also Federal activities which do or could occur within the upper Conasauga River basin and which may be affected by designating critical habitat. These activities include, in part, construction of impoundments (in particular the proposed Dalton Lake project), stream alterations, bridge and road construction, logging, and discharges of municipal and industrial wastes. These activities, along with others that alter the watershed, could degrade the water and substrate quality of the upper Conasauga River basin by increasing siltation, water temperatures, organic pollutants, and extremes in water flow. If any of these activities may affect the critical habitat area and are the result of a Federal action, Section 7(a)(2) of the Act, as amended, requires the agency to consult with the Service to ensure that actions they authorize, fund, or carry out, are not likely to destroy or adversely modify critical habitat.

Section 4(b)(2) of the Act requires the Service to consider economic and other impacts of designating a particular area as critical habitat. The Service will consider the critical habitat designation in light of all additional relevant information obtained prior to preparing a final rule.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402, and are now under revision (see proposal at 48 FR 29990; June 29, 1983). Section 7(a)(4) requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in the destruction or adverse modification of proposed critical habitat. When a species is subsequently listed, Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into consultation with the Service. The Service is presently aware of only one planned project (the Dalton Lake project) which may affect the species and the proposed critical habitat. The Service has been in contact with the U.S. Army Corps of Engineers concerning the potential impacts of this project on the species and their habitat.

The Act and its implementing regulations found at 50 CFR 17.21 set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce, in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce listed species. It would also be illegal to possess, sell, deliver, carry, transport, or

ship any such wildlife that had been illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered fish or wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities.

Public Comments Solicited

The Service intends that any final rule adopted will be accurate and as effective as possible in the conservation of endangered or threatened species. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to the amber darter, trispot darter, and Conasauga logperch;

(2) The location of any additional populations of the amber darter, trispot darter, and Conasauga logperch and the reasons why any habitat should or should not be determined to be critical habitat as provided by Section 4 of the Act;

(3) Additional information concerning the range and distribution of these species;

(4) Current or planned activities in the subject area and their possible impacts on the amber darter, trispot darter, and Conasauga logperch; and

(5) Any foreseeable economic and other impacts resulting from the proposed designations of critical habitat.

Final promulgation of the regulations on the amber darter, trispot darter, and Conasauga logperch will take into consideration the comments and any additional information received by the Service, and such communications may lead to adoption of a final regulation that differs from this proposal.

The Endangered Species Act provides for a public hearing on this proposal, if requested. Requests must be filed within 45 days of the date of the proposal. Such requests must be made in writing and addressed to the Endangered Species Field Station, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

Literature Cited

- Bailey, R.M. and W.J. Richards. 1963. Status of *Poecilichthys hopkinsi* Fowler and *Etheostoma trisella*, a new species, percoid fishes from Alabama, Georgia, and South Carolina. Occas. Pap. Mus. Zool. Univ. Mich. 516. 40 pp.
- Etnier, D.A. 1970. Additional specimens of *Etheostoma trisella* (Percidae) from Tennessee. Copeia 1970:356-358.
- Etnier, D.A., B.H. Bauer, and A.G. Haines. 1981. Fishes of the Gulf Coastal Drainage of North Georgia (Part I), and Fishes of Chickamauga, Chattanooga, and Lookout Creeks, North Georgia and Tennessee (Part II). Unpub. Report to USFWS.
- Freeman, B.J. 1983. Final report on the status of the trispot darter (*Etheostoma trisella*) and the amber darter (*Percina antesella*) in the upper Coosa River system in Alabama, Georgia, and Tennessee. U.S. Fish and Wildlife Service Contract No. 14-16-0004-048. 112 pp.
- Howell, W.M. and R.D. Caldwell. 1967. Discovery of a second specimen of the darter, *Etheostoma trisella*. Copeia 1967:235-236.
- Ramsey, J.S. 1976. Freshwater fishes. Pages 53-65 in H. Boschung (ed.), Endangered and Threatened Plants and Animals of Alabama. Bull. Alabama Mus. Nat. Hist. No. 2. 92 pp.
- Ryon, M.G. 1981. The life history and ecology of *Etheostoma trisella* (Pisces: Percidae). Unpub. Thesis, Univ. of Tenn., Knoxville, TN. 79 pp.

- Starnes, W.C. and D.A. Etnier. 1980. Fishes. Pages B1-B123 In D.C. Eagar and R.M. Hatcher (eds.), Tennessee's Rare Wildlife Volume I: The Vertebrates. Tennessee Heritage Program.
- Williams, J.D. and D.A. Etnier. 1977. *Percina* (*Imostoma*) *antesella*, a new percoid fish from the Coosa River system in Tennessee and Georgia. Proc. Biol. Soc. Wash. 90:6-18.

Author

The primary author of this proposed rule is Richard G. Biggins, Endangered Species Field Station, 100 Otis Street, Room 224, Asheville, North Carolina 28801.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Proposed Regulations Promulgation**PART 17—[AMENDED]**

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order, under Fishes to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

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(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
FISHES							
Darter, trispot.....	<i>Etheostoma trisella</i>	U.S.A. (Al, GA, TN).	Entire.....	E.....	17.95(e)...	NA	
Darter, amber.....	<i>Percina antesella</i>	U.S.A. (GA, TN).do.....	E.....	17.95(e)...	NA	
Logperch, Conasauga.....	<i>Percina</i> sp.....do.....do.....	E.....	17.95(e)...	NA	

3. It is further proposed to amend § 17.95(e) by adding critical habitat of the amber darter, trispot darter, and Conasauga logperch as follows: The position of this entry under § 17.95(e) follows the same sequence as the species occurs in § 17.11.

§ 17.95 Critical habitat—fish and wildlife.

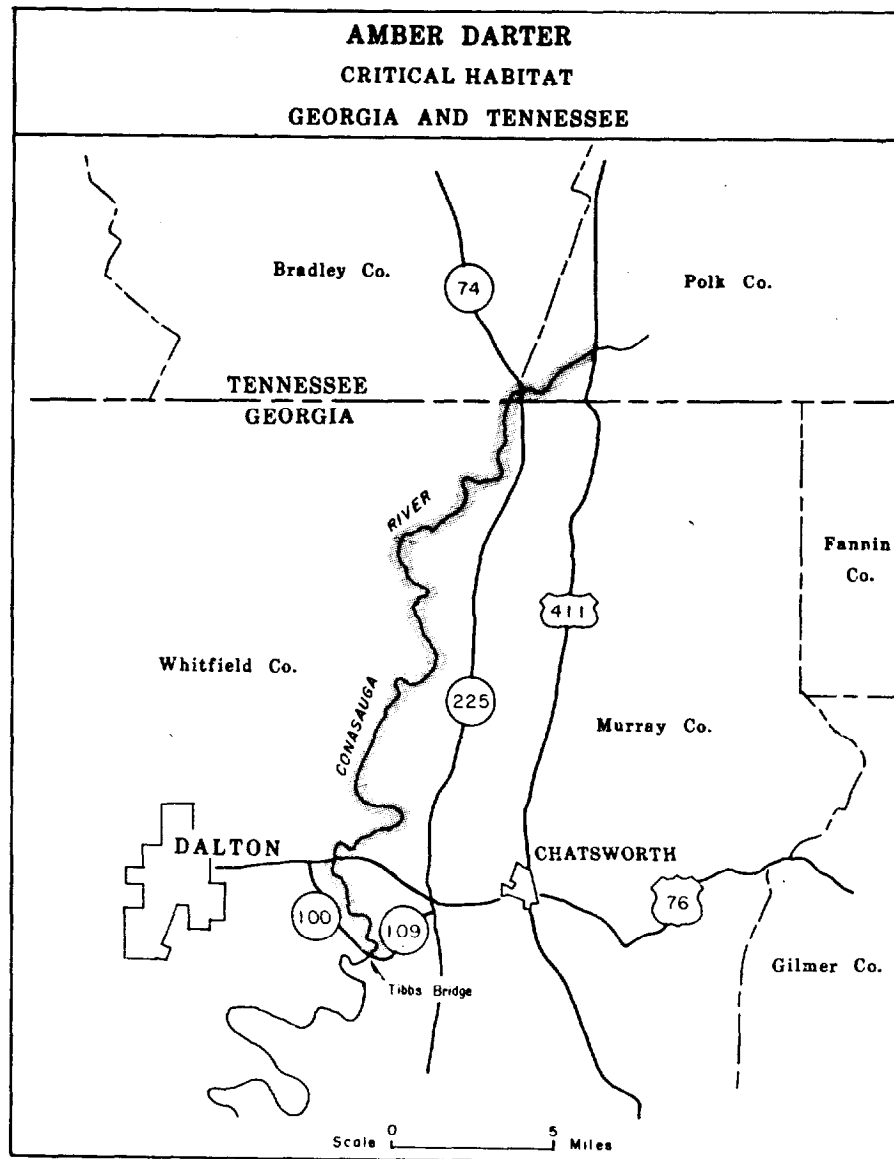
(e) Fishes.

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Amber Darter (*Percina antesella*)

Conasauga River from the U.S. Route 411 bridge in Polk County, Tennessee, downstream approximately 33.5 miles through Bradley County, and Murray and Whitfield Counties, Georgia, to the Tibbs Bridge Road bridge (Murray County Road 109 and Whitfield County Road 100).

Constituent elements include high quality water, riffle areas (free of silt) composed of sand, gravel, and cobble which becomes vegetated (primarily with *Podostemum*) during the summer.



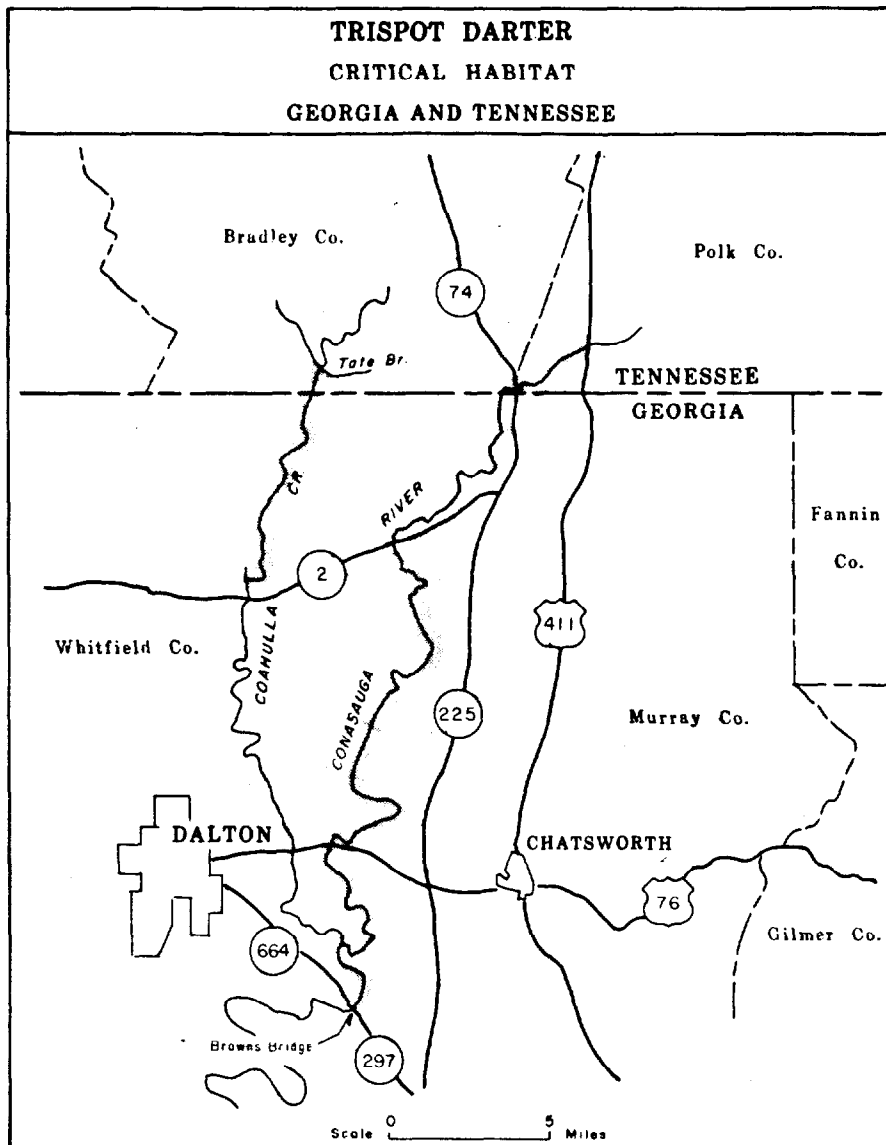
Trispot Darter (*Etheostoma trisella*)

Conasauga River from the Route 411 bridge in Polk County, Tennessee, downstream approximately 38 miles through Bradley County, Tennessee, and Murray and Whitfield Counties, Georgia, to the Brown Bridge Road bridge (Murray County Road 297 and Whitfield County Road 664).

Coahulla Creek (a tributary of the Conasauga River) from the confluence to Tate

Branch with Coahulla Creek in Bradley County, Tennessee, downstream approximately 8.5 miles to the confluence of Barrett Lake Creek with Coahulla Creek in Whitfield County, Georgia.

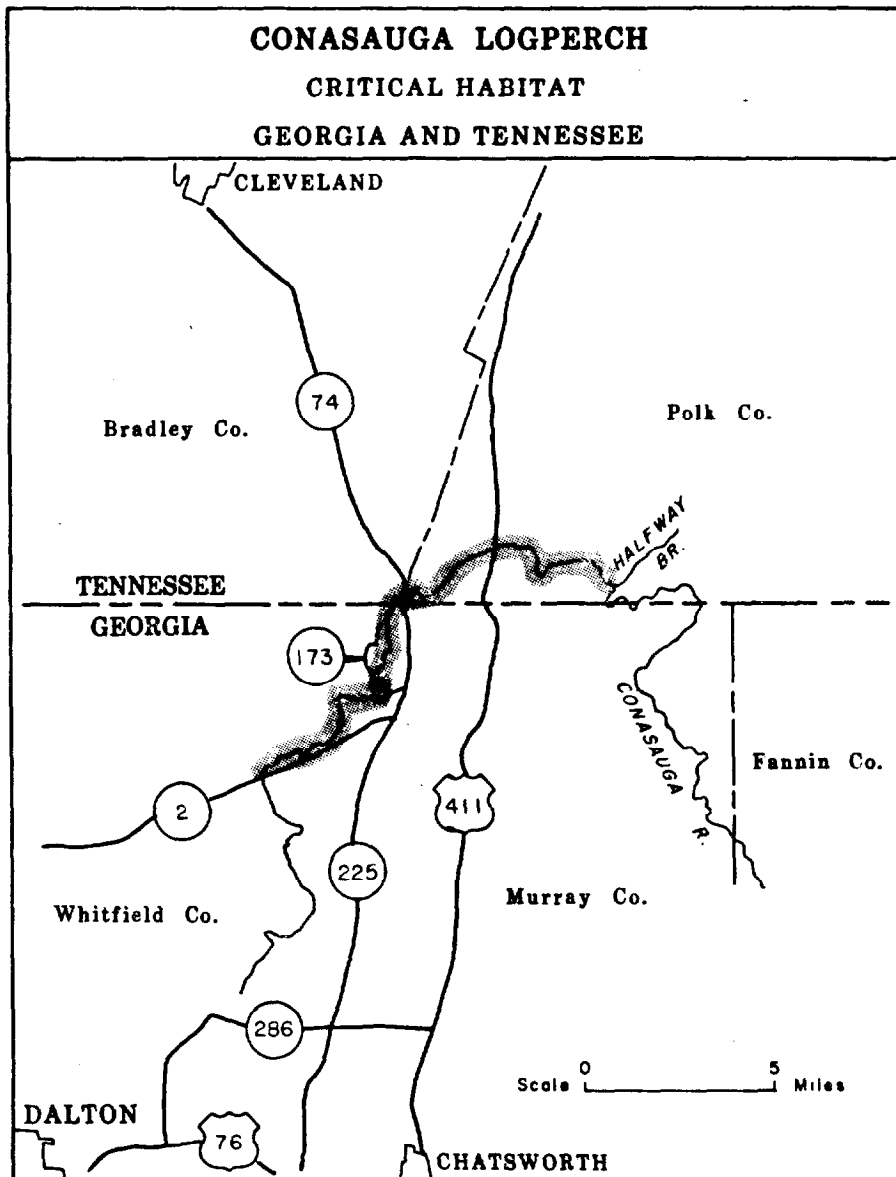
Constituent elements include high quality water, slack water, and slow current areas with detritus, sand, and submerged vegetated substrates that are free of excessive silt.



Conasauga logperch (*Percina* sp.)

Conasauga River from the confluence of Halfway Branch with the Conasauga River in Polk County, Tennessee, downstream, approximately 11 miles to the Georgia State Highway 2 Bridge, Murray County, Georgia.

Constituent elements include high quality water, pool areas with flowing water and silt free riffles with gravel and rubble substrate, and fast riffle areas and deeper chutes with gravel and small rubble.



Dated: June 27, 1984.

G. Ray Arnett,

*Assistant Secretary for Fish and Wildlife and
Parks.*

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